

**U.S. DISTRICT COURT**  
**U.S. District Court, Western District of New York (Buffalo)**  
**CIVIL DOCKET FOR CASE #: 1:19-cv-00001-RJA-LGF**

Pickering v. U. S. Department of Justice  
Assigned to: Hon. Richard J. Arcara  
Referred to: Hon. Leslie G. Foschio  
Related Cases: 1:14-cv-00330-RJA-LGF  
1:19-cv-00417-RJA

Date Filed: 01/01/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

Cause: 05:552 Freedom of Information Act

**Plaintiff**

**Leslie James Pickering**

represented by **Michael Kuzma**  
1893 Clinton Street  
Buffalo, NY 14206  
(716) 822-7645  
Fax: 716-823-1815  
Email: [kuzma\\_michael@hotmail.com](mailto:kuzma_michael@hotmail.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U. S. Department of Justice**

represented by **Michael S. Cerrone**  
U.S. Attorney's Office  
Federal Centre  
138 Delaware Avenue  
Buffalo, NY 14202  
716-843-5851  
Fax: 716-551-3196  
Email: [michael.cerrone@usdoj.gov](mailto:michael.cerrone@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
01/01/2019	<u>1</u>	COMPLAINT against U.S. Department of Justice \$ 400 receipt number 0209-3319033, filed by Leslie James Pickering.(Kuzma, Michael) Modified on 1/2/2019 to correct party, complaint will be refiled for statistical purposes only (SG). (Entered: 01/01/2019)
01/02/2019		E-Filing Notification: <u>1</u> COMPLAINT will be refiled for statistical purposes only. (SG) (Entered: 01/02/2019)
01/02/2019	<u>2</u>	COMPLAINT against U. S. Department of Justice, filed by Leslie James Pickering.(Kuzma, Michael) (Entered: 01/02/2019)
01/02/2019		E-Filing Notification regarding <u>2</u> COMPLAINT; Attorney is directed to file a completed Civil Cover Sheet pursuant to LR 3. No judge assignment will be made until filing is entered on the docket. Please utilize the Continuation of Exhibits event located within the Responses and Replies category. (NRE) (Entered: 01/02/2019)
01/03/2019	<u>3</u>	CONTINUATION OF EXHIBITS by Leslie James Pickering. to <u>2</u> Complaint <i>Civil Cover Sheet</i> filed by Leslie James Pickering. (Kuzma, Michael) (Entered: 01/03/2019)
01/04/2019		Case Assigned to Hon. Richard J. Arcara. Notification to Chambers of on-line civil case opening. (NRE) (Entered: 01/04/2019)
01/04/2019		AUTOMATIC REFERRAL to Mediation The ADR Plan is available for download at <a href="http://www.nywd.uscourts.gov/alternative-dispute-resolution">http://www.nywd.uscourts.gov/alternative-dispute-resolution</a> (NRE) (Entered: 01/04/2019)

		01/04/2019)
01/04/2019		Notice of Availability of Magistrate Judge: A United States Magistrate of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form (AO-85) is available for download at <a href="http://www.uscourts.gov/services-forms/forms">http://www.uscourts.gov/services-forms/forms</a> . (NRE) (Entered: 01/04/2019)
03/04/2019	<u>4</u>	Original Summons Filed. (Kuzma, Michael) (Entered: 03/04/2019)
03/05/2019	<u>5</u>	Summons Issued as to U. S. Department of Justice. (NRE) (Entered: 03/05/2019)
03/18/2019	<u>6</u>	AFFIDAVIT of Service for Summons and Complaint served on Mark Witzleben on March 11, 2019, filed by Leslie James Pickering. (Kuzma, Michael) (Entered: 03/18/2019)
04/11/2019	<u>7</u>	ANSWER to Complaint by U. S. Department of Justice.(Cerrone, Michael) (Entered: 04/11/2019)
04/12/2019		ADR Plan electronically forwarded to attorneys. The ADR Plan is available for download at <a href="http://www.nywd.uscourts.gov/alternative-dispute-resolution">http://www.nywd.uscourts.gov/alternative-dispute-resolution</a> .(NRE) (Entered: 04/12/2019)
04/12/2019	<u>8</u>	TEXT ORDER REFERRING CASE to Magistrate Judge Hon. Leslie G. Foschio. The Magistrate Judge is hereby designated to act in this case as follows: Pursuant to 28 U.S.C. Section 636(b)(1)(A) and (B), all pre-trial matters in this case are referred to the above-named United States Magistrate Judge, including but not limited to: (1) conduct of a scheduling conference and entry of a scheduling order pursuant to Fed. R. Civ. P. 16, (2) hearing and disposition of all non-dispositive motions or applications, (3) supervision of discovery, and (4) supervision of all procedural matters involving the aforementioned or involving the preparation of the case or any matter therein for consideration by the District Judge. The Magistrate Judge shall also hear and report upon dispositive motions for the consideration of the District Judge pursuant to 28 U.S.C. Section 636(b)(1)(B) and (C). All motions or applications shall be filed with the Clerk and made returnable before the Magistrate Judge. The parties are encouraged to consider the provisions of 28 U.S.C. Section 636(c) governing consent to either partial or complete disposition of the case, including trial if necessary, by the Magistrate Judge. Consent forms are available from the office of the Magistrate Judge or the office of the Clerk of Court. IT IS SO ORDERED. Issued by Hon. Richard J. Arcara on 4/12/2019. (LAS) (Entered: 04/12/2019)
04/22/2019	<u>9</u>	ORDER. Scheduling Conference set for 5/30/2019 11:00 AM before Hon. Leslie G. Foschio. Signed by Hon. Leslie G. Foschio on 4/22/2019. (SDW) (Entered: 04/22/2019)
05/21/2019	<u>10</u>	MOTION to Adjourn Rule 16 conference by U. S. Department of Justice. (Attachments: # <u>1</u> Declaration)(Cerrone, Michael) (Entered: 05/21/2019)
05/21/2019	<u>11</u>	TEXT ORDER granting <u>10</u> Motion to Adjourn. Scheduling Conference adjourned to 6/25/2019 at 3:30 p.m. Issued by Hon. Leslie G. Foschio on 5/21/2019. (SDW) (Entered: 05/21/2019)
05/21/2019		Set/Reset Hearings: Scheduling Conference set for 6/25/2019 03:30 PM before Hon. Leslie G. Foschio. (SDW) (Entered: 05/21/2019)
06/07/2019	<u>12</u>	MOTION to Adjourn Rule 16 Conference by U. S. Department of Justice.(Cerrone, Michael) (Entered: 06/07/2019)
06/07/2019	<u>13</u>	DECLARATION signed by Michael S. Cerrone re <u>12</u> MOTION to Adjourn Rule 16 Conference filed by U. S. Department of Justice . (Cerrone, Michael) (Entered: 06/07/2019)
06/10/2019	<u>14</u>	TEXT ORDER granting <u>12</u> Motion to Adjourn of Scheduling Conference. Scheduling Conference scheduled for 6/25/2019 adjourned to 7/30/2019 at 11:00 a.m. Issued by Hon. Leslie G. Foschio on 6/10/2019. (SDW) (Entered: 06/10/2019)
06/10/2019		Set/Reset Hearings: Scheduling Conference set for 7/30/2019 11:00 AM before Hon. Leslie G. Foschio, adjourned from 6/25/2019 at Deft's request with consent by Plaintiff. (SDW) (Entered: 06/10/2019)

07/30/2019	16	Minute Entry for proceedings held before Hon. Leslie G. Foschio: Scheduling Conference held on 7/30/2019. Case management order discussed, same to be filed by the court. Appearances: Pltf: Michael Kuzman, Esq. w/ Plaintiff, Dft: AUSA Michael Cerrone. (Court Reporter FTR Gold.) (SDW) (Entered: 07/30/2019)
07/31/2019	<u>17</u>	<b>SCHEDULING ORDER (Please Note: This docket text may <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.)</b> Motions to Join Parties/Amend Pleadings due by 9/30/2019. Defendant shall release non-exempt documents by 11/30/2020. Plaintiff shall identify challenges by 12/15/2020. Defendant Vaughn filing due 2/28/2021. Dispositive Motions due by 2/28/2021. Signed by Hon. Leslie G. Foschio on 7/31/2019. (SDW) (Entered: 07/31/2019)